

MINUTES OF A REGULAR MEETING

BROOKLYN CITY COUNCIL

November 13, 2012

7:00 p.m.

Present: Katie Gallagher
Tom Murphy
Tony DeMarco
Kathy Pucci
Ron Van Kirk
Colleen Gallagher

Absent: Kevin Tanski

Pledge of Allegiance.

DISPOSAL OF MINUTES:

MOTION by Pucci, second by VanKirk to approve the minutes of October 22, 2012. **VOTE RESULTED:**
Approve: Yes: K.Gallagher, Murphy, DeMarco, Pucci, VanKirk, C.Gallagher. No: None. **(APPROVED)**

President DeMarco commented regarding the November 29th storm that came through. He thanked the Mayor, directors, safety forces, employees and residents for pulling together and assisting one another during that time. Also thanked members of Community Emergency Response Team (CERT) for their daily involvement. With assistance from the American Red Cross the Senior Center was set up as housing for residents without power, also extended to residents of Parma, Parma Hts., No. Royalton and Middleburg Hts. Commended everyone on getting through the tough time.

PUBLIC SESSION:

Earl Bloam of 4720 Forest Edge Dr. Addressed Ord. 2012-61, the issue of raising chickens in Brooklyn. Became aware of issue through the Oct. 4th Sun Post. Researched possible impact. Learned they can have many predators, which can be a danger to family pets and small children. Read from legislation on fencing, coops, etc., and stated the ordinance does not define many standards for these regulations. Will a building code be adopted for coops? Feels the ordinance will be difficult and a headache for the city to enforce. Mentioned other concerns not addressed, such as storage of field, how the lot sizes will be verified, chickens counted, etc. Ordinances are for the good and welfare of the people and to benefit the city and its people; feels this is to benefit a handful of residents, not the 99% plus remaining residents. Will Council guarantee that no citizens, pets, or school children will not be put in danger? Believes raising chickens belongs in rural and farming areas. Urges Council to dump the ordinance and vote against it.

Tom Adamski of 9625 Melody Lane. His family survived five days of brutal cold, as he is sure others did. Emptied refrigerator and freezer and took food to a shelter. Would like to convince the Mayor and Council to establish a protocol in case something like this happens in the future, so a procedure would be in place to inform residents they can donate food and drop it off at a location and distribute to a food shelter. Addressed President DeMarco that at previous meeting he lambasted Councilwoman C.Gallagher regarding no savings on one-armed bandits. He feels interest on financing would have been hefty, and amortization over five-ten years compounds. Three people used to do pickups, now one does it. The other two can be used more efficiently, as they were during the storm. The elimination of possible injury eliminates possible Workers Comp claims, reducing premiums.

REPORTS OF COMMITTEES, COMMISSIONS & BOARDS:

Finance Committee (Councilman DeMarco): The Committee met at 6:15 and addressed the following: recommended adoption of: Ords. 2012-69, 2012-70, 2012-71, 2012-72, 2012-73, 2012-74 and 2012-75. Meetings are typically at 6:30 and all are invited to attend.

Legislative Update, Domestic Violence, Juvenile Diversion (Councilwoman C.Gallagher): Domestic Violence Comm. mtg. will be Wed., Nov. 14th at 7 p.m. at the Senior-Comm. Center. The Oct. 30th mtg. was cancelled due to bad weather.

Bd. of Zoning Appeals (Comm. Ockington): The Board meeting for November 15th has been cancelled due to lack of applications.

Economic Development Committee (Councilman DeMarco): Met Oct. 26th, working to create a Request for Proposal to engage an outside firm to assist with marketing Brooklyn as a great place to locate a business and live.

REPORTS OF COUNCIL:

Katie Gallagher: Announced the Planning Commission has a meeting November 19th at 6 p.m. in the Conference Room to hear the request from B. Rinker on behalf of Sheetz for final site approval for the facility to be located at 10315 Cascade Crossing (PP #433-10-008), which was tabled at the Oct. 4th mtg. Thanked all Armed Forces and those serving country now. Thanked the Mayor, his staff, the CERT and the Red Cross on excellent response time to residents due to the storm. Also thanked Service, Fire, and Police Depts. for their responses to calls as quickly as possible. Asked Chief Mielke to have special attention given to Northcliff for people going the wrong way and speeding. Asked the Mayor to update residents on the right turn on 480 mtg. he had with ODOT. She asked if we could have a meeting for Northcliff residents for the upcoming Ridge Road construction and change of direction to help them know and understand what would be happening.

Tom Murphy: Agreed with Mr. Bloam's comments and research, and his vote will be against this (chicken legislation.) Plans on attending the Nov. 19th Planning Comm. mtg. for the Sheetz matter. He does hope they come into Brooklyn. He also found out that there is not a federal rule against placing an incendiary product near a substation, but was not aware if was anything on the state level. He asked ODOT to review the placing of the traffic light, and they have no comment on the timing or re-timing of the lights on Tiedeman, but they are doing an analysis. Would like to have further discussion on the possible partial payment of healthcare by the Law Dept., and he will also further discuss that with Dir. Claussen with his ideas.

Kathy Pucci: Thanked and honor all veterans. Thanked the Mayor, staff, directors, Service, Fire, Police, CERT, and American Red Cross for their outstanding job, and the Senior Center staff for contacting seniors to check on them. Has pushed for a reverse 9-1-1 system for a long time, and this storm further reinforced that need. Power was out, a shelter was set up, and there was no way to communicate that to our residents. Most communities have this, and we are behind. In 2013 she will push for us to take action on this vital service we should be providing. Commented on some comments made at the last Council meeting. In addition to the legislative role, Council also has the responsibility of passing a budget and appropriating all funds that are spent. In light of American Greetings leaving, monies from the state have been cut, other revenue sources declining, a committee was established to explore and evaluate how the city operates, and to come up with ideas on how to operate differently in the future. There is a sense of frustration over a lack of progress or delays in implementing changes that were agreed to. Doesn't want to see any more services to residents cut, or any reductions in our workforce. The Mayor does run day to day operations of the city, but we can't hide our heads in the sand. There will be a gap in the revenue stream, even if something does come to fruition for the AG site. She feels we need to prepare as best we can for that, and part of that is examining how we operate and trying to achieve some more efficiencies. It's not a negative to our employees, as they are doing a good job. With reductions in every department, employees are working harder; but other possibilities still have to be looked into. Thank you to Mrs. Haig for assisting tonight (Mary-Jo is out sick.)

Ron Van Kirk: Also thanked veterans. Thoughts and prayers to those on the east coast hit hardest by the storm; and thanks to those companies who came to help out our areas (power companies, Red Cross.) Welcome new businesses, Sheetz and Donald Martens; and hope the trend continues with new businesses coming. Hope everyone expresses thankfulness for all we've been given in our nation and city.

Colleen Gallagher: Thanked veterans and active military personnel. Thanked the residents who experienced outages during the storm for their patience. The Mayor, staff and American Red Cross all did a fine job. Residents have contacted her regarding Councilman DeMarco's report at the last meeting, concerned he misinformed residents about comments she made earlier about the automated waste collection. He alleged she overstated the benefits of the new collection system and that not one dollar has been saved to date as a result of it. She said that's a misrepresentation of what she said, and was a ridiculous statement for him to make, as the program began just one month ago. Her statement was that she brought up the idea of the automated truck four years ago as an effort to save the city money, which had it been implemented then it would have saved thousands of dollars by now. The greatest benefit was the reduction of injury to collection workers. She cited some statistics to support the savings resulting from the program. Councilman DeMarco also questioned why, after 14 years on Council, she is just asking to employ a full-time Law Director and eliminate a part-time Prosecutor; and why advocating eliminating medical benefits for certain part-time employees, and why now. With the implementation of the Strategic Planning Committee, formed in light of the economic recession and future loss of \$3 million loss of annual revenue from AG, she had brought the idea up, which the Mayor said he would take a look at. She brought these up because other cities have implemented the same cost-saving measures, and Brooklyn should also take a hard look at these measures. Council must work diligently and consider every available cost-saving option to lower overhead and protect city services. She does agree she was wrong to speculate about Donald Martens and Sons not moving to Brooklyn due to the building issue; and though she was concerned about that rumor, should have discussed the matter with Comm. Ockington privately.

Tony DeMarco: Updated on street repair projects. Beech, Morton and Traymore are completed; cracksealing will begin tomorrow and should be done by the end of the week. As reported in The Plain Dealer, County Executive FitzGerald and the county has decided to keep all the funds generated by the casino and reinvest the funds in downtown Cleveland; though our Mayor and other Mayors hoped some inner ring suburbs would be beneficiaries of some funds. He doesn't want Brooklyn to count on assistance from the county. He will not get into a debate on the Council floor about his comments from the last meeting; but when he gives information to residents, at a meeting or over the phone, he deals with facts. Feels this has been a divided Council since the beginning of the year over several key issues. There was a back and forth over rolling over our notes, and Council should see how short-sighted that was in beginning the 2013 budget process next year. There should not always be a 7-0 vote, as decisions should be based upon experience, residents' desires, facts, and what's good for the community. He will do what's in the best interest of the majority of residents based upon his knowledge, experience, and wishes of residents, as that's why he was elected. He won't engage on personal attacks on the Mayor, his directors, or other Councilmembers. Those Councilmembers with personal agendas or engaging in personal attacks should step down or review their duties as elected members of Council. Slanderous comments were made about him by members of Council, which are offensive and unacceptable, and residents should know that. Unacceptable are malicious, personal attacks that have no bearing on the job of Councilmembers or directors. He will give straight facts on what he feels needs to be done for the greater good and the future of our city. The Mayor said, and he agrees, that the entire Council needs to do what is in the best interest of all residents. Wishes everyone a happy Thanksgiving from him and his family.

MAYOR'S REPORT:

Mayor Albier: Thanked all veterans. Read: "A Proclamation to Honor and Recognize Jerry Eschuk for 30 years of service to the City of Brooklyn." Jerry Eschuk, retired former Service Dept. employee, landfill operator and general foreman, was out of town and not in attendance and will be presented with his Proclamation. Responded that he did meet with ODOT, and they had plans using some state level money to help cities with intersections at freeways, 480 and Tiedeman is one. The plans show another lane on the off ramps coming off of 480 east and westbound, since they back up so much. There will be more meetings. He conveyed to ODOT that Sheetz would pay for a traffic light there and time the lights from Sheetz south to Brookpark, and asked them if all the lights could be synchronized, which ODOT said is a possibility. They took information to try and do that. In regard to the storm, he had spoken to Lakewood's Mayor that morning at a NOPEC meeting, and they had over 500 trees go down in their city. Brooklyn had a lot of trees come down, mostly pine, and mostly on private property. Trees on treelawns and blocking streets or sidewalks were taken care of quickly. Winds brought down a light pole at the football stadium, took trees in the cemetery, then took down seven poles on Biddulph, resulting in blocked street for days. We had to wait

for more assistance from another energy company to help replace the poles. He thanked Chief Zemek for coordinating with the Red Cross, for the shelter, bedding, food, and personnel; also the Safety and Service Directors, Rita at the Senior Center. Information from our CEI representative gave updates on numbers of outages and taking care of them. He agrees this was a perfect example of the use of Reverse 9-1-1, and hopes we can get that. With the size of the storm, there were very few complaints. Feels the situation was handled pretty well, and agrees we should count our blessings. Beech and Morton are finished, and the streets look great. He checked Traymore out, with the concrete done, but noticed the first section nearest Ridge is not complete; Mr. Verba informed him when Ridge Road will be done they will go 75 feet into Traymore and take care of that. Said that the skylight at the Senior Center will be starting and can be complete in a couple weeks. Learned that Parma has their own department that makes street signs, and Mayor DeGeeter has agreed that they will make our street signs for us, we will pick them up, and it will save us money. A new organization has started, the Consumer Law Center, whose sole purpose is to protect Ohio consumers, free of charge, and for anyone seeking information, at 216-458-4663. Commented about the Regional Sewer District and the rates going up significantly in January. Explained some of the tier eligibilities and costs, and available credits. He made arrangements with Regional Sewer to conduct a work program at City Hall for Brooklyn businesses to come on December 11th to have an explanation and how to bring down costs. The Cleveland Water Dept. notified of an upcoming repair which could discolor water temporarily, which will be complete tomorrow. There has also been talk of the Plain Dealer having trouble, and he said the city will do all we can to keep them here. Wished everyone a happy Thanksgiving. He asked for an Executive Session at the end of the meeting with the Law and Finance Directors to discuss union negotiations.

DIRECTORS' REPORTS:

Rec. Asst. Mgr. Bruzek: Yoga classes will not be held until Nov. 28th due to illness. Congratulated the 10 year old Brooklyn girls soccer team on winning the Northern Ohio Girls Suburban League, undefeated 8-0.

Fire Chief Zemek: Extended thanks to the CERT members on their first actual call-out, who worked around the clock 24 hours a day for three days. He, the Mayor and Safety Director were constantly in contact and on briefings on notifying residents and how to update. He and Rita Enovitch and Dir. Verba had shifts at the Senior Center overnight. Said President DeMarco was in constant contact with him for updates, and our Fire Fighters had many responses, both storm related and regular calls. Informed Councilman Murphy he checked local and state codes, and contacted the State Fire Marshall, and there is nothing in the codes to prevent such a structure (gas station near substation). It is a zoning issue versus a fire code issue.

Police Chief Mielke: Added his thanks to everyone, especially the CERT members, his specials and auxiliary officers who worked the roads. Said they had 68 calls from the storm for power lines and trees down, alarm calls, property damage, resulting in officers and firemen clearing debris from roadways. The seven poles down on Biddulph caused most of the city's headaches. Reminded residents during power outages that neither the Police or Fire Departments have additional information than CEI would provide. Encouraged residents to call CEI and report your address to them. Also reminded that the winter parking ban is in effect, started on November 1 through March 31st. No parking on the street from 2 a.m. to 7 a.m. or any time it snows more than two inches there is no parking for 24 hours. If someone has family coming in for holidays, call the Police Department at 749-1234, and give details to the Dispatcher or Sgt. in Charge and get permissions for street parking. Said the Civil Service Commission will be giving a basic entry patrol officer test on December 12th. Details are on the city website or call City Hall. Applications will be handed out November 26th. Reported there were a couple armed robberies in the city in October: October 5th, two separate armed robbery calls came in within 15 minutes of each other, on opposite sides of the city; first in front of Jinx on Ridge, and the second at GFS. Both victims were female, elderly, and held up at gunpoint, with purses and other personal items taken, by a suspect with a black semi-automatic handgun, took property and fled on foot. Responding officers took all information, and were given good descriptive information of a possible vehicle. The next day items were being taken from Lowe's in the same type vehicle and officers were notified of their location, where they responded to, and the van was taken, along with the potential suspects taken into custody. After suspect interviews, confessions obtained, search warrants conducted, some stolen properties recovered along with the handgun, two suspects were charged on various counts. He thanked Officers Murphy, Glandorf, Zamblauskas, Tenhunfeld, Knapp, Psota and Phillips for linking the two robberies.

Mayor Balbier commented that he visited the temporary shelter each night, and mentioned a very thankful family that came with two children on breathing machines. A lot of people came to warm up and have something eat, but didn't spend the night.

REQUESTS:

Request for Council Confirmation on the Mayor's appointment of Daniel Gladish to fill the position of Building Commissioner (Tom Ockington is retiring). **MOTION** by Pucci, second by VanKirk to approve the appointment. **VOTE RESULTED:** *Approve:* Yes: K.Gallagher, Murphy, DeMarco, Pucci, VanKirk, C.Gallagher. No: None. **(CONFIRMED)** Mayor Balbier said that Councilman Tanski told him he was in favor of this appointment.

LEGISLATION:

ORDINANCE 2012-68: Establishing new Section 1359 Clandestine Drug Laboratories of the Brooklyn Codified Ordinances. **(SECOND READING)** Councilwoman Pucci had a question on the 90 day remediation period, and Chief Mielke said that is to get it down to a 'safe level.'

ORDINANCE 2012-69: Extending the medical insurance coverage for Medical Mutual of Ohio (MMO) for city employees from December 1, 2012 to December 31, 2012. **MOTION** by Pucci, second by C.Gallagher to suspend the rules. **VOTE RESULTED:** *Suspend the Rules:* Yes: K.Gallagher, Murphy, DeMarco, Pucci, VanKirk, C.Gallagher. No: None. *Adopt:* Yes: K.Gallagher, Murphy, DeMarco, Pucci, VanKirk, C.Gallagher. No: None. **(ADOPTED)**

ORDINANCE 2012-70: Adopting the dental insurance renewal from Assurant Employee Benefits providing dental insurance coverage for city employees from December 1, 2012 to November 30, 2013. **MOTION** by Pucci, second by C.Gallagher to amend Section 1 by striking the word full-time. **VOTE RESULTED:** *Amend:* Yes: K.Gallagher, Murphy, DeMarco, Pucci, VanKirk, C.Gallagher. No: None. **MOTION** by Pucci, second by VanKirk to suspend the rules, as amended. **VOTE RESULTED:** *Suspend the Rules:* Yes: K.Gallagher, Murphy, DeMarco, Pucci, VanKirk, C.Gallagher. No: None. *Adopt:* Yes: K.Gallagher, Murphy, DeMarco, Pucci, VanKirk, C.Gallagher. No: None. **(ADOPTED, AS AMENDED)**

ORDINANCE 2012-71: Amended Annual Appropriations. Amending Ord. 2012-5, as amended by Ords. 2012-54 and 2012-67, entitled, An Ordinance to make appropriations for current and other expenditures of the City of Brooklyn, State of Ohio, for the period January 1, 2012 to December 31, 2012. **MOTION** by Pucci, second by C.Gallagher to suspend the rules. **VOTE RESULTED:** *Suspend the Rules:* Yes: K.Gallagher, Murphy, DeMarco, Pucci, VanKirk, C.Gallagher. No: None. *Adopt:* Yes: K.Gallagher, Murphy, DeMarco, Pucci, VanKirk, C.Gallagher. No: None. **(ADOPTED)**

ORDINANCE 2012-72: Authorizing inter-fund transfers and advances during 2012. **MOTION** by Pucci, second by C.Gallagher to suspend the rules. **VOTE RESULTED:** *Suspend the Rules:* Yes: K.Gallagher, Murphy, DeMarco, Pucci, VanKirk, C.Gallagher. No: None. *Adopt:* Yes: K.Gallagher, Murphy, DeMarco, Pucci, VanKirk, C.Gallagher. No: None. **(ADOPTED)**

ORDINANCE 2012-73: Authorizing the Mayor to expand an agreement with Calfee, Halter and Griswold, LLP to provide legal services necessary and related to the operation of the city Landfill on behalf of the City of Brooklyn in an amount not to exceed \$25,000. **MOTION** by Pucci, second by DeMarco to suspend the rules. **VOTE RESULTED:** *Suspend the Rules:* Yes: K.Gallagher, Murphy, DeMarco, Pucci, VanKirk, C.Gallagher. No: None. *Adopt:* Yes: K.Gallagher, Murphy, DeMarco, Pucci, VanKirk, C.Gallagher. No: None. **(ADOPTED)**

ORDINANCE 2012-74: Amending the current agreement of Ord. 2012-2 with Great Lakes Billing Associates, Inc. by incorporating the First Amendment to Billing Services Agreement, and adopting an EMS Healthcare Financial Assistance Policy. **MOTION** by Pucci, second by DeMarco to suspend the rules. **VOTE RESULTED:** *Suspend the Rules:* Yes: K.Gallagher, Murphy, DeMarco, Pucci, VanKirk, C.Gallagher.

No: None. *Adopt*: Yes: K.Gallagher, Murphy, DeMarco, Pucci, VanKirk, C.Gallagher. No: None. **(ADOPTED)**

ORDINANCE 2012-75: Authorizing the Mayor to enter into a Delinquent Debt Collection Agreement between the Ohio Attorney General and the City of Brooklyn. **MOTION** by Pucci, second by VanKirk to suspend the rules. **VOTE RESULTED: *Suspend the Rules***: Yes: K.Gallagher, Murphy, DeMarco, Pucci, VanKirk, C.Gallagher. No: None. *Adopt*: Yes: K.Gallagher, Murphy, DeMarco, Pucci, VanKirk, C.Gallagher. No: None. **(ADOPTED)**

ORDINANCE 2012-76: Adopting the 2013 Residential Code of Ohio for one, two, and three-family dwellings. **(FIRST READING)**

Mayor Balbier asked for a motion to go into Executive Session to discuss union contracts, with the Law and Finance Directors present. **MOTION** by Pucci, second by VanKirk to adjourn to Executive Session to discuss matters of negotiation with the Law and Finance Directors. **VOTE RESULTED: *Adjourn to Executive Session***: Yes: K.Gallagher, Murphy, DeMarco, Pucci, VanKirk, C.Gallagher. No: None. **(ADJOURN TO EXECUTIVE SESSION)**

MOTION by C.Gallagher, second by Murphy to reconvene. **VOTE RESULTED: *Reconvene***: Yes: K.Gallagher, Murphy, DeMarco, Pucci, VanKirk, C.Gallagher. No: None. **(RECONVENE)**

There being no further business, **MOTION** by Pucci, second by VanKirk to adjourn. **VOTE RESULTED: *Adjourn***: Yes: K.Gallagher, Murphy, DeMarco, Pucci, VanKirk, C.Gallagher. No: None. **(ADJOURNED)**

Asst. Clerk of Council

President of Council